

RESOLUTION 17-05

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING THE MDAQMD 75 PPB OZONE ATTAINMENT PLAN (WESTERN MOJAVE DESERT NONATTAINMENT AREA) AND DIRECTING STAFF ACTIONS.

On February 27, 2017, on motion by Member **BARBARA RIRODAN**, seconded by Member **ROBERT LEONE**, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the MDAQMD was designated nonattainment and classified severe-17 (portions of the MDAQMD outside the Southeast Desert Modified Air Quality Management Area (AQMA) are designated unclassified/attainment) for ozone under the then effective federal one-hour ozone standard; and

WHEREAS, the MDAQMD adopted both state and federal attainment plans for all standards within its jurisdiction; and

WHEREAS, on March 9, 2006, USEPA shifted its ozone standard from measurement on a one-hour basis to an eight hour basis (8-hour ozone standard); and

WHEREAS, USEPA designated the Western Mojave Desert area as nonattainment for the 8-hour ozone National Ambient Air Quality Standards (NAAQS) pursuant to the provisions of the Federal Clean Air Act (FCAA); and

WHEREAS, a portion of the MDAQMD is included in the Western Mojave Desert nonattainment area; and

WHEREAS, the MDAQMD adopted the 2008 *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)* to satisfy the planning requirements under this standard; and

WHEREAS, on March 27, 2008, USEPA set the 8-hour primary and secondary ozone NAAQS to a level of 0.075 parts per million (75 parts per billion (ppb)); and

WHEREAS, USEPA then designated the Western Mojave Desert area as nonattainment for the 75 ppb 8-hour ozone NAAQS; and

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1 **WHEREAS**, the MDAQMD has prepared the *MDAQMD Federal 75 ppb Ozone Attainment Plan*
2 (*Western Mojave Desert Nonattainment Area*) to satisfy the planning requirements under this newer
3 standard; and

4 **WHEREAS**, this plan, when adopted, will update all previously submitted federal ozone plans;
5 and

6 **WHEREAS**, portions of the previously adopted and approved plans will remain in effect until the
7 region has been designated attainment for the relevant prior standard; and

8 **WHEREAS**, the proposed adoption of the *MDAQMD Federal 75 ppb Ozone Attainment Plan*
9 (*Western Mojave Desert Nonattainment Area*) is necessary to comply with the provisions of the FCAA
10 and include the latest planning assumptions regarding population, vehicle activity and industrial activity;
11 addresses all existing and forecast ozone precursor-producing activities within the jurisdiction of the
12 MDAQMD through the year 2027; and contains all necessary information to allow general and
13 transportation conformity findings to be made within the jurisdiction of the MDAQMD; and

14 **WHEREAS**, the MDAQMD has the authority pursuant to H&S Code §40702 to do such acts as
15 may be necessary or proper to execute the powers and duties granted to, and imposed upon, the District by
16 this division and other statutory provisions; and

17 **WHEREAS**, the proposed adoption is clear in that the meaning can be easily understood by the
18 persons impacted by the plan; and

19 **WHEREAS**, the proposed adoption is in harmony with, and not in conflict with, or contradictory
20 to existing statutes, court decisions, or state or federal regulations because the Western Mojave Desert
21 area (as defined in 40 CFR 81.305) was designated nonattainment for the NAAQS for ozone by USEPA
22 effective on July 20, 2012, and this nonattainment area includes part of the San Bernardino County
23 portion of the MDAQMD, as well as the Antelope Valley portion of Los Angeles County, and the
24 MDAQMD has experienced ambient ozone concentrations in excess of the 8-hour ozone NAAQS; and

25 **WHEREAS**, this plan: (1) demonstrates that the MDAQMD will meet the primary required
26 Federal ozone planning milestone, attainment of the 75 ppb 8-hour ozone NAAQS, by July 2026; (2)
27 presents the progress the MDAQMD will make towards meeting all required ozone planning milestones;
28 and (3) discusses the newest 70 parts per billion 8-hour ozone NAAQS, preparatory to an expected

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1 nonattainment designation for the new NAAQS; and this document satisfies 42 U.S.C. §§7410, 7502,
2 7504 and 7511a (FCAA §§110, 172, 174, and 182) regarding implementation plans, nonattainment plan
3 provisions, planning procedures, and ozone plan submissions and requirements for the 75 ppb 8-hour
4 NAAQS; and

5 **WHEREAS**, the proposed plan does not impose the same requirements as any existing state or
6 federal regulation because the USEPA designated the Western Mojave Desert area as nonattainment for
7 the March 2008 (75 ppb) 8-hour ozone NAAQS pursuant to the provisions of the FCAA and a portion of
8 the MDAQMD is included in the Western Mojave Desert Nonattainment area, and this plan addresses all
9 federal attainment planning requirements for the 75 ppb federal 8-hour ozone standard; as a result, this
10 document updates the June 2008 *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave*
11 *Desert Non-attainment Area)*; and

12 **WHEREAS**, the proposed plan is needed because this document includes the latest planning
13 assumptions regarding population, vehicle activity and industrial activity; addresses all existing and
14 forecast ozone precursor-producing activities within the jurisdiction of the MDAQMD through the year
15 2027; and includes all necessary information to allow general and transportation conformity findings to be
16 made within the jurisdiction of the MDAQMD; and

17 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code
18 §40725, concerning the proposed adoption of the *MDAQMD Federal 75 ppb Ozone Attainment Plan*
19 *(Western Mojave Desert Nonattainment Area)*; and

20 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
21 proposed adoption of the *MDAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert*
22 *Nonattainment Area)*, completed in compliance with the California Environmental Quality Act (CEQA),
23 has been presented to the MDAQMD Board; each member having reviewed, considered and approved the
24 information contained therein prior to acting on the proposed adoption of the *MDAQMD Federal 75 ppb*
25 *Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*, and the Governing Board of the
26 MDAQMD having determined that the proposed adoption of the plan will not have any potential for
27 resulting in any adverse impact upon the environment; and

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WHEREAS, the Governing Board of the MDAQMD has considered the evidence presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the MDAQMD finds that the proposed adoption of the *MDAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the proposed adoption of the *MDAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the *MDAQMD Federal 75 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*, as set forth in the attachments to this resolution and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption, that the Executive Assistant is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

PASSED, APPROVED AND ADOPTED by the Governing Board of the Mojave Desert Air Quality Management District by the following vote:

AYES: 8 MEMBER: **DECONINCK, CAMARGO, HERNANDEZ, STANTON, RIORDAN, COX, COLE, LEONE**

NOES: MEMBER:

ABSENT: 5 MEMBER: **ASHLEY, LOVINGOOD, RUSS, RAMOS, WILLIAMS**

ABSTAIN: MEMBER:

STATE OF CALIFORNIA)	
)	
COUNTY OF SAN BERNARDINO)	SS:

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I, Deanna Hernandez, Executive Office Manager of the Mojave Desert Air Quality Management District hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of February 27, 2017.



Mojave Desert Air Quality Management District